

## **Amendments to the Claims**

**and**

## **Listing of Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application.

Claims 3-4, 20, 39-44, and 53-58 are withdrawn.

Claims 1, 5, and 19 are amended.

Claims 8, 22, 23, 34, 36, 38, and 69-72 are canceled without prejudice.

1. (currently amended) A magneto-resistive element, comprising:  
an intermediate layer; and  
a pair of magnetic layers sandwiching the intermediate layer;  
wherein one of the magnetic layers is a free magnetic layer in which magnetization rotation with respect to an external magnetic field is easier than in the other magnetic layer;  
wherein the free magnetic layer is a multilayer film including at least one non-magnetic layer and magnetic layers sandwiching the non-magnetic layer; and  
wherein an element area, which is defined by the area of the intermediate layer through which current flows perpendicular to the film plane, is not larger than  $1000\mu\text{m}^2$ ,  
the non-magnetic layer is a conductor including a multilayer film with at least one layer of non-magnetic metal and at least one layer of non-magnetic material selected from the group consisting of oxides, nitrides, carbides and borides.
2. (original) The magneto-resistive element according to claim 1, wherein an area of the free magnetic layer is larger than the element area.
3. (withdrawn) The magneto-resistive element according to claim 1, wherein, when the magnetic layers  $m$  are the magnetic layers in the free magnetic layer that are arranged at positions  $m$  (with  $m$  being an integer of 1 or greater) from the intermediate layer,  $M_m$  is an average saturation magnetization of the magnetic layers  $m$  and  $d_m$  is their respective average

layer thickness, then the sum of the products  $M_m \times d_m$  for odd  $m$  is substantially equal to the sum of the products  $M_m \times d_m$  for even  $m$ .

4. (withdrawn) The magneto-resistive element according to claim 3, the non-magnetic layer has a thickness  $d$  in the range of  $2.6 \text{ nm} \leq d < 10 \text{ nm}$ .

5. (currently amended) The magneto-resistive element according to ~~any~~ of claim 1, wherein, when the magnetic layers  $m$  are the magnetic layers in the free magnetic layer that are arranged at positions  $m$  (with  $m$  being an integer of 1 or greater) from the intermediate layer,  $M_m$  is an average saturation magnetization of the magnetic layers  $m$  and  $d_m$  is their respective average layer thickness, then the sum of the products  $M_m \times d_m$  for odd  $m$  is different from the sum of the products  $M_m \times d_m$  for even  $m$ .

6. (original) The magneto-resistive element according to claim 5, the non-magnetic layer has a thickness  $d$  in the range of  $2.6 \text{ nm} \leq d < 10 \text{ nm}$ .

7. (original) The magneto-resistive element according to claim 5, wherein the non-magnetic layer has a thickness  $d$  in the range of  $0.3 \text{ nm} < d < 2.6 \text{ nm}$ .

8. (canceled)

9. (original) The magneto-resistive element according to claim 5, wherein, when the free magnetic layer comprises a first magnetic layer, a non-magnetic layer and a second magnetic layer, layered in that order from the intermediate layer, and when an average film thickness of the first magnetic layer is  $d_1$ , its average saturation magnetization is  $M_1$ , an average film thickness of the second magnetic layer is  $d_2$ , and its average saturation magnetization is  $M_2$ , then

$M_2 \times d_2 > M_1 \times d_1$ ; and

wherein the second magnetic layer is made of a soft magnetic material or a hard magnetic material, and the first magnetic layer is made of a high spin polarization material at least at an interface with the intermediate layer.

10. (original) The magneto-resistive element according to claim 5, wherein, when the free magnetic layer comprises a first magnetic layer, a non-magnetic layer and a second magnetic layer, layered in that order from the intermediate layer, and when an average film thickness of the first magnetic layer is  $d_1$ , its average saturation magnetization is  $M_1$ , an average film thickness of the second magnetic layer is  $d_2$ , and its average saturation magnetization is  $M_2$ , then

$$M_2 \times d_2 > M_1 \times d_1; \text{ and}$$

the magnetic resistance displays at least one maximum or minimum with respect to a change in the external magnetization.

11. (original) The magneto-resistive element according to claim 5, wherein the free magnetic layer comprises a first magnetic layer, a first non-magnetic layer, second magnetic layer, a second non-magnetic layer, and a third magnetic layer, layered in that order from the intermediate layer, and when an average film thickness of the magnetic layer  $n$  is  $d_n$ , and its average saturation magnetization is  $M_n$  (with  $n = 1, 2, 3$ ), then

$$M_3 \times d_3 > M_1 \times d_1 \text{ and } M_3 \times d_3 > M_2 \times d_2; \text{ and}$$

wherein a coupling magnetic field of the first magnetic layer and the second magnetic layer is smaller than a memory reversal magnetic field, and the magnetization state of the third magnetic layer is detected by applying a magnetic field that is smaller than the memory reversal magnetic field but larger than the coupling magnetic field in a memory direction of the magnetization of the third magnetic layer.

12. (original) The magneto-resistive element according to claim 5, further comprising a second intermediate layer, wherein the free magnetic layer, which is made of a multilayer film, is sandwiched by the intermediate layers.

13. (original) The magneto-resistive element according to claim 12, wherein the free magnetic layer, which is made of a multilayer film, is made of  $2n$  magnetic layers (with  $n$  being an integer of 1 or greater) and  $2n-1$  non-magnetic layers layered in alternation.

14. (original) The magneto-resistive element according to claim 13, further comprising a first pinned magnetic layer and a second pinned magnetic layer, wherein the first pinned magnetic layer, the first intermediate layer, the free magnetic layer, the second intermediate layer and the second pinned magnetic layer formed in that order, wherein the free magnetic layer is a multilayer film comprising a first magnetic layer, a non-magnetic layer and a second magnetic layer formed in that order from the side of the first pinned magnetic layer, and wherein, when an average film thickness of the magnetic layer  $n$  (with  $n$  being 1 or 2) is  $d_n$ , and its average saturation magnetization is  $M_n$ , then  $M_2 \times d_2 \neq M_1 \times d_1$ .

15. (original) The magneto-resistive element according to claim 12, wherein the free magnetic layer, which is made of a multilayer film, is made of  $2n+1$  magnetic layers (with  $n$  being an integer of 1 or greater) and  $2n$  non-magnetic layers layered in alternation.

16. (original) The magneto-resistive element according to claim 15, further comprising a first pinned magnetic layer and a second pinned layer, wherein the first pinned magnetic layer, the first intermediate layer, the free magnetic layer, the second intermediate layer and the second pinned magnetic layer formed in that order, wherein the free magnetic layer is a multilayer film comprising a first magnetic layer, a first non-magnetic layer, a second magnetic layer, a second non-magnetic layer and a third magnetic layer formed in that order from the side of the first pinned magnetic layer, and wherein, when an average film thickness of the magnetic layer  $n$  is  $d_n$  (with  $n$  being 1, 2 or 3), and its average saturation magnetization is  $M_n$ , then  $M_3 \times d_3 + M_1 \times d_1 \neq M_2 \times d_2$ .

17. (original) The magneto-resistive element according to claim 1, wherein at least one of the magnetic layers in the free magnetic layer has a coercivity or saturation magnetization that is different from at least one of the other magnetic layers.

18. (original) A magneto-resistive element comprising:

a magneto-resistive element A according to claim 5, wherein the free magnetic layer comprises a first magnetic layer, a non-magnetic layer and a second magnetic layer, layered in that order from the intermediate layer, and wherein  $M_2 \times d_2 > M_1 \times d_1$ , when an average film

thickness of the first magnetic layer is  $d_1$ , its average saturation magnetization is  $M_1$ , an average film thickness of the second magnetic layer is  $d_2$ , and its average saturation magnetization is  $M_2$ ;

and further comprising a magneto-resistive element B having a second intermediate layer and a free magnetic layer that comprises a third magnetic layer and a fourth magnetic layer positioned in that order from the second intermediate layer, and wherein  $M_3 \times d_3 > M_4 \times d_4$ , when an average film thickness of the third magnetic layer is  $d_3$ , its average saturation magnetization is  $M_3$ , an average film thickness of the fourth magnetic layer is  $d_4$ , and its average saturation magnetization is  $M_4$ ;

wherein the element A and the element B respond to the same external magnetic field, and the output of element A and element B are added to or subtracted from one another.

19. (currently amended) A magneto-resistive element, comprising:

an intermediate layer; and

a pair of magnetic layers sandwiching the intermediate layer;

wherein one of the magnetic layers is a pinned magnetic layer in which magnetization rotation with respect to an external magnetic field is more difficult than in the other magnetic layer;

wherein the pinned magnetic layer is a multilayer film comprising at least one non-magnetic layer and magnetic layers sandwiching the non-magnetic layer;

wherein a thickness  $d$  of the non-magnetic layer is in the range of  $0.3\text{nm} < d < 2.6\text{nm}$ ;

wherein the pinned magnetic layer is in contact with a primer layer or an antiferromagnetic layer; and

wherein an element area, which is defined by the area of the intermediate layer through which current flows perpendicular to the film plane, is not larger than  $1000\mu\text{m}^2$ ,

the non-magnetic layer is a conductor including a multilayer film with at least one layer of non-magnetic metal and at least one layer of non-magnetic material selected from the group consisting of oxides, nitrides, carbides and borides.

20. (withdrawn) The magneto-resistive element according to claim 19, wherein, when the magnetic layers  $m$  are the magnetic layers in the pinned magnetic layer that are arranged at positions  $m$  (with  $m$  being an integer of 1 or greater) from the intermediate layer,  $M_m$  is an

average saturation magnetization of the magnetic layers  $m$  and  $d_m$  is their respective average layer thickness, then the sum of the products  $M_m \times d_m$  for odd  $m$  is substantially equal to the sum of the products  $M_m \times d_m$  for even  $m$ .

21. (original) A magneto-resistive element comprising:

a magneto-resistive element A including a first pinned magnetic layer, in which  $2n$  magnetic layers and  $2n-1$  non-magnetic layers (with  $n$  being an integer of 1 or greater) are layered in alternation from the intermediate layer; and

a magneto-resistive element B, including a second pinned magnetic layer, in which  $2n+1$  magnetic layers and  $2n$  non-magnetic layers are layered in alternation from the intermediate layer;

wherein at least one of the element A and the element B is as claimed in claim 19;

wherein the element A and the element B respond to the same external magnetic field;

and

wherein the outputs of element A and element B are added to or subtracted from one another.

22. (canceled)

23. (canceled)

24. (original) The magneto-resistive element according to claim 19, wherein the primer layer includes at least one element selected from the elements of groups IVa to VIa and VIII (but excluding Fe, Co and Ni) and Cu.

25. (original) The magneto-resistive element according to claim 19, wherein the primer layer is in contact with a magnetic layer, and the primer layer and that magnetic layer have at least one crystal structure selected from fcc and hcp structure, or the primer layer and that magnetic layer both include a bcc structure.

26. (original) The magneto-resistive element according to claim 19, wherein the antiferromagnetic layer is made of Cr and at least one selected from the group consisting of Mn, Tc, Ru, Rh, Re, Os, Ir, Pd, Pt, Ag, Au and Al.
27. (original) The magneto-resistive element according to claim 26, wherein the antiferromagnetic layer has a composition that can be expressed by  $\text{Cr}_{100-x}\text{Me}_x$  (wherein Me is at least one selected from the group consisting of Re, Ru and Rh, and  $0.1 \leq x \leq 20$ ).
28. (original) The magneto-resistive element according to claim 19, wherein the antiferromagnetic layer has a composition that can be expressed by  $\text{Mn}_{100-x}\text{Me}_x$  (wherein Me is at least one selected from the group consisting of Pd and Pt, and  $40 \leq x \leq 55$ ).
29. (original) The magneto-resistive element according to claim 19, wherein the antiferromagnetic layer is formed on a primer layer, and the primer layer and the antiferromagnetic layer include at least one crystal structure selected from fcc, fct, hcp and hct structure, or the primer layer and the antiferromagnetic layer both include a bcc structure.
30. (original) The magneto-resistive element according to claim 29, wherein the primer layer is made of NiFe or NiFeCr; and which has been thermally processed at a temperature of at least 300°C.
31. (original) The magneto-resistive element according to claim 19, wherein at least the magnetic layer in contact with the antiferromagnetic layer is made of Co.
32. (original) The magneto-resistive element according to claim 19, wherein the magnetic layer in contact with at least one selected from the antiferromagnetic layer and the non-magnetic layer is made of a ferromagnetic material including at least one element selected from the group consisting of oxygen, nitrogen and carbon.

33. (original) The magneto-resistive element according to claim 19, wherein the magnetic layer in contact with at least one selected from the antiferromagnetic layer and the non-magnetic layer is made of an amorphous ferromagnetic material.
34. (canceled)
35. (original) The magneto-resistive element according to claim 1, further comprising a lower electrode made of a metal multilayer film, wherein the magneto-resistive element is formed on the lower electrode.
36. (canceled)
37. (original) The magneto-resistive element according to claim 19, further comprising a lower electrode made of a metal multilayer film, wherein the magneto-resistive element is formed on the lower electrode.
38. (canceled)
39. (withdrawn) The magneto-resistive element according to claim 1, wherein the intermediate layer is made of an insulator or a semiconductor including at least one element selected from the group consisting of oxygen, nitrogen, carbon and boron.
40. (withdrawn) The magneto-resistive element according to claim 19, wherein the intermediate layer is made of an insulator or a semiconductor including at least one element selected from the group consisting of oxygen, nitrogen, carbon and boron.
41. (withdrawn) The magneto-resistive element according to claim 1,  
wherein the intermediate layer is made of at least one metal selected from transition metals, or at least one conductive compound selected from compounds of transition metals with oxygen, nitrogen and boron; and  
wherein the element area is not larger than  $0.01\mu\text{m}^2$ .



42. (withdrawn) The magneto-resistive element according to claim 41, wherein at least one of the magnetic layers sandwiching the intermediate layer comprises a ferromagnetic material including oxygen, nitrogen or carbon, or an amorphous ferromagnetic material.
43. (withdrawn) The magneto-resistive element according to claim 19,  
wherein the intermediate layer is made of at least one metal selected from transition metals, or at least one conductive compound selected from compounds of transition metals with oxygen, nitrogen and boron; and  
wherein the element area is not larger than  $0.01\mu\text{m}^2$ .
44. (withdrawn) The magneto-resistive element according to claim 43, wherein at least one of the magnetic layers sandwiching the intermediate layer comprises a ferromagnetic material including oxygen, nitrogen or carbon, or an amorphous ferromagnetic material.
45. (original) The magneto-resistive element according to claim 1, wherein the free magnetic layer serves as a magnetic memory layer.
46. (original) The magneto-resistive element according to claim 19, wherein the free magnetic layer serves as a magnetic memory layer.
47. (original) The magneto-resistive element according to claim 1, further comprising a flux guide.
48. (original) The magneto-resistive element according to claim 47, wherein at least a portion of the free magnetic layer serves as the flux guide.
49. (original) The magneto-resistive element according to claim 19, further comprising a flux guide.

50. (original) The magneto–resistive element according to claim 49, wherein at least a portion of the free magnetic layer serves as the flux guide.

51. (original) The magneto–resistive element according to claim 1, wherein, when “a” is the longest width of the element shape of the free magnetic layer, and “b” is its shortest width, then  $a/b$  is in the range of  $1.5 < a/b < 10$ .

52. (original) The magneto–resistive element according to claim 19, wherein, when “a” is the longest width of the element shape of the free magnetic layer, and “b” is its shortest width, then  $a/b$  is in the range of  $1.5 < a/b < 10$ .

53. (withdrawn) A method for manufacturing a magneto–resistive element according to claim 1, comprising additional heat treatment in a magnetic field at 200°C to 400°C, after heat treatment at 300°C to 450°C.

54. (withdrawn) A method for manufacturing a magneto–resistive element according to claim 19, comprising additional heat treatment in a magnetic field at 200°C to 400°C, after heat treatment at 300°C to 450°C.

55. (withdrawn) A method for manufacturing a magneto–resistive element according to claim 1, comprising heat treatment in a magnetic field at 300°C to 450°C.

56. (withdrawn) A method for manufacturing a magneto–resistive element according to claim 19, comprising heat treatment in a magnetic field at 300°C to 450°C.

57. (withdrawn) A method for manufacturing a magneto–resistive element according to claim 1, comprising:

forming a multilayer film including an antiferromagnetic layer, a pinned layer, an intermediate layer and a free magnetic layer on a substrate;

providing a uniaxial anisotropy by performing heat treatment in a magnetic field at 200°C to 350°C;

performing additional heat treatment in a reducing atmosphere at 300°C to 450°C.

58. (withdrawn) A method for manufacturing a magneto-resistive element according to claim 19, comprising:

forming a multilayer film including an antiferromagnetic layer, a pinned layer, an intermediate layer and a free magnetic layer on a substrate;

providing a uniaxial anisotropy by performing heat treatment in a magnetic field at 200°C to 350°C;

performing additional heat treatment in a reducing atmosphere at 300°C to 450°C.

59. (original) A data communication terminal equipped with a plurality of magneto-resistive elements according to claim 1, wherein data that have been communicated by electromagnetic waves are stored in the free magnetic layers of the magneto-resistive elements.

60. (original) A data communication terminal equipped with a plurality of magneto-resistive elements according to claim 19, wherein data that have been communicated by electromagnetic waves are stored in the free magnetic layers of the magneto-resistive elements.

61. (original) The magneto-resistive element according to claim 12, comprising a first pinned magnetic layer, a first intermediate layer, a first free magnetic layer, a non-magnetic conductive layer, a second free magnetic layer, an second intermediate layer and a second pinned magnetic layer formed in that order, wherein at least one of the first free magnetic layer and the second free magnetic layer includes one or more magnetic layers and one or more non-magnetic layers layered in alternation.

62. (original) The magneto-resistive element according to claim 61, wherein magnetic layers that are adjacent but spaced apart by a non-magnetic conductive layer are magnetized antiparallel to one another.

63. (original) The magneto-resistive element according to claim 61, wherein the non-magnetic conductive layer has a thickness of 2.6nm to 50nm.

64. (original) The magneto-resistive element according to claim 12, comprising four pinned magnetic layers, two free magnetic layers, and four intermediate layers, wherein at least one of the free magnetic layers is made of one or more magnetic layers and one or more non-magnetic layers layered in alternation.

65. (original) The magneto-resistive element according to claim 1, comprising a pinned magnetic layer, an intermediate layer and a free magnetic layer, wherein the free magnetic layer is in contact with a buffer layer, wherein the buffer layer is made of a composition in which 10wt% to 50wt% of a non-magnetic element is added to a composition of a magnetic layer in contact with the buffer layer, and wherein the saturation magnetization of said composition is not more than 0.2T.

66. (original) The magneto-resistive element according to claim 65, wherein the buffer layer comprises at least one selected from the group consisting of Cr, Mo and W.

67. (original) The magneto-resistive element according to claim 19, comprising a pinned magnetic layer, an intermediate layer and a free magnetic layer, wherein the free magnetic layer is in contact with a buffer layer, wherein the buffer layer is made of a composition in which 10wt% to 50wt% of a non-magnetic element is added to a composition of a magnetic layer in contact with the buffer layer, and wherein the saturation magnetization of said composition is not more than 0.2T.

68. (original) The magneto-resistive element according to claim 67, wherein the buffer layer comprises at least one selected from the group consisting of Cr, Mo and W.

69. (canceled)

70. (canceled)

71. (canceled)

72. (canceled)